

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JANE DOE #8,

Plaintiff,

v.

OFFICER GREG RODRIGUEZ, et al.,

Defendants.

Case No. 1:24-cv-01130-JLT-BAM (PC)

**ORDER GRANTING PLAINTIFF JANE
DOE #8'S EX PARTE MOTION TO
PROCEED BY PSEUDONYM**

(ECF No. 9)

Plaintiff, proceeding with counsel, initiated this action on September 23, 2024. (ECF No. 1.) On October 18, 2024, plaintiff filed the instant *ex parte* motion requesting permission to proceed by the pseudonym "Jane Doe #8" in place of her true and correct name because this case involves allegations of sexual assault by a correctional officer. (ECF No. 9.) Having considered the motion, and for the reasons that follow, plaintiff's *ex parte* request to proceed by pseudonym will be granted, subject to reconsideration when defendants appear in this action.

LEGAL STANDARD

The normal presumption in litigation is that parties must use their real names, which is loosely related to the public's right to open courts and the right of private individuals to confront their accusers. *Doe v. Kamehameha Sch./Bernice Pauahi Bishop Est.*, 596 F.3d 1036, 1042 (9th Cir. 2010) (citations omitted). However, courts permit parties to proceed anonymously when special circumstances justify secrecy. *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d

1 1058, 1067 (9th Cir. 2000). In the Ninth Circuit, a party may proceed with a pseudonym “in the
 2 ‘unusual case’ when nondisclosure of the party’s identity ‘is necessary ... to protect a person from
 3 harassment, injury, ridicule or personal embarrassment.’” *Id.* at 1067-68 (quotation and citation
 4 omitted). “[A] party may preserve his or her anonymity in judicial proceedings in special
 5 circumstances when the party’s need for anonymity outweighs prejudice to the opposing party
 6 and the public’s interest in knowing the party’s identity.” *Id.* at 1068. “Applying this balancing
 7 test, courts have permitted plaintiffs to use pseudonyms . . . when anonymity is necessary ‘to
 8 preserve privacy in a matter of sensitive and highly personal nature.’” *Id.* (citations omitted).

9 DISCUSSION

10 Plaintiff requests to proceed by the pseudonym “Jane Doe #8” in place of her true and
 11 correct name because this action involves allegations of sexual harassment, sexual assault, and
 12 rape by a correctional officer, while Plaintiff was incarcerated at Central California Women’s
 13 Facility in Chowchilla, California. (ECF No. 9 at pp 1-2.) Plaintiff wishes to maintain her
 14 privacy and not be publicly named or identified in this action. (*Id.* at p. 2.) Plaintiff believes the
 15 issues in this litigation are highly sensitive and personal in nature, such that disclosure of her
 16 identity would raise a serious risk of psychological and emotional harm. (*Id.*) Plaintiff does not
 17 believe that proceeding by a pseudonym will be prejudicial to defendants because she has already
 18 disclosed her true identity to defendants prior to filing this action and will disclose her true
 19 identity to defendants during the course of this litigation, including during pre-trial discovery.
 20 (*Id.*)

21 At this stage of the proceedings, the Court finds good cause to grant the *ex parte* motion
 22 based on the allegations at issue and because of plaintiff’s representation that her identity has
 23 already been disclosed to defendants. “Courts have generally permitted plaintiffs to proceed
 24 anonymously when their claims involved allegations of sexual assault or rape.” *Doe v. Rose*, No.
 25 CV-15-07503-MWF-JC, 2016 WL 9137645, at *1 (C.D. Cal. June 17, 2016) (collecting cases).
 26 However, the Court will reconsider the issue should defendants object once they have appeared in
 27 this action. *See Jane Doe #2 v. State of California, et al.*, No. 1:23-cv-00869-JLT-SAB, 2023
 28 WL 3956475, at *2 (E.D. Cal. June 12, 2023).

CONCLUSION AND ORDER

Having considered the motion, the Court concludes that plaintiff's need for anonymity outweighs any countervailing interests at this time. Accordingly, plaintiff's *ex parte* motion to proceed by pseudonym (ECF No. 9) is GRANTED, subject to reconsideration once defendants have appeared in this action.

IT IS SO ORDERED.

Dated: November 5, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE